

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

|                               |   |                            |
|-------------------------------|---|----------------------------|
| UNITED STATES OF AMERICA,     | ) |                            |
|                               | ) |                            |
| Plaintiff,                    | ) | CR. NO. 04-00363 SOM       |
|                               | ) |                            |
| vs.                           | ) |                            |
|                               | ) |                            |
| WILLIAM ROBERT CLIFFORD (01)  | ) | GOVERNMENT'S MEMORANDUM IN |
| SCOTT STADNISKY (02)          | ) | SUPPORT OF MOTION FOR      |
| a/k/a: "Scoots"               | ) | CONTINUANCE OF TRIAL DATE  |
| SLOANE TEDMUN PAGLINAWAN (03) | ) |                            |
| DANIEL LYNN MYERS (04)        | ) |                            |
|                               | ) |                            |
| Defendants.                   | ) |                            |
|                               | ) |                            |

GOVERNMENT'S MEMORANDUM IN SUPPORT OF MOTION  
CONTINUANCE OF TRIAL DATE

The United States has moved this Honorable Court for a brief continuance of the January 10, 2006 trial date in this case based upon unavailability of certain necessary government witnesses. The reasons for this request are more fully set forth as follows:

1. The current date set for trial in this case is January 10, 2006.

2. Government counsel is advised that the lead Drug Enforcement Case agent in the case, Jesse Fourmy, is scheduled to be in Portland, Oregon during the time period from January 8, 2006 to January 18, 2006. Special Agent Fourmy is in an advanced degree collegiate program at Pacific University which meets for ten (10) days at the beginning of each semester. The remainder of the semester is conducted on a remote learning basis, but it is mandatory for Special Agent Fourmy to attend the initial ten

(10) day session. Special Agent Fourmy returns to Hawaii on January 18, 2006.

3. Special Agent Fourmy recorded all of the undercover calls in this case, prepared the transcripts, conducted consensually monitored conversations with Defendant Scott Stadnisky and collected evidence in this case, and is a critical and necessary witness for the government.

4. Additionally, the government drug analysis expert, Gary Goldberg, is unavailable during the week of January 9-14 due to professional work related conflicts. Mr. Goldberg is committed to be working a mobile methamphetamine laboratory in El Paso, Texas as part of a transfer of laboratory duties to the Southwest Drug Enforcement Administration Regional Laboratory.

5. Finally, Alameda County Deputy Lance Sandri, another percipient witness is unavailable during the week of January 9-13, 2006 due to a work related conflict in his training schedule. Deputy Sandri is a narcotics dog handler and his annual certification training session is scheduled to occur during the week of January 9-13, 2006. Deputy Sandri collected and copied critically important federal express receipts and other documents during the search of Daniel Myers residence.

Each of the above individuals are necessary percipient witnesses for the government in the above entitled cause. Based on the above, the government respectfully requests a one or two week continuance of this case in order to have necessary percipient witnesses present for trial, and to assist in

preparation of trial. As the Court is aware, the decision to grant or deny a requested continuance lies within the broad discretion of the district court, and will not be disturbed on appeal absent clear abuse of that discretion. United States v. Wills, 88 F.3d 704 (9<sup>th</sup> Cir. 1996). The requested continuance is reasonable, will result in minimal delay, and will permit the government to properly present and authenticate important and necessary evidence in this case. Accordingly, the government respectfully submits that pursuant to 18 U.S.C. §3161(h)(8)(A), the ends of justice served by continuing the case to permit necessary witnesses to be present and give evidence outweighs the interest of the parties and the public to a speedy trial.

DATED: December 20, 2005, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

By   
KENNETH M. SORENSON  
Assistant U.S. Attorney